

House File 631 - Reprinted

HOUSE FILE 631

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 574)

(SUCCESSOR TO HSB 175)

(As Amended and Passed by the House April 18, 2017)

A BILL FOR

1 An Act relating to the establishment of certain licenses and
2 fees by rules adopted by the natural resource commission
3 and including coordinating and transition provisions, and
4 effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

LICENSES AND FEES — RULES

Section 1. Section 483A.1, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

483A.1 Licenses — fees — rules.

1. Except as otherwise provided in this chapter, a person shall not fish, trap, hunt, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a part of any wild animal, bird, game, turtle, or fish, the protection and regulation of which is desirable for the conservation of resources of the state, without first obtaining a license for that purpose, and the payment of a fee as established by rules adopted by the commission pursuant to chapter 17A.

2. a. The fees established by rule pursuant to subsection 1 shall be periodically evaluated by the department, but not less often than once every three years, to ensure that the fees paid are sufficient to meet the needs of natural resource management and the public.

b. By December 15 of each year on and after December 15, 2018, that an evaluation of the license fees is completed, the department shall file a written report with the commission and the general assembly which shall include the evaluation and recommendations for changes, if any. Any fee increase proposed in such a report shall not take effect until on or after December 15 of the year succeeding the report and an individual license fee shall not be increased in any calendar year in an amount that exceeds five percent.

Sec. 2. Section 483A.3, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. A resident or nonresident person required to have a hunting or fur harvester license shall not hunt or trap unless the person purchases a hunting or fur harvester license that includes the wildlife habitat fee, in an amount established by rules adopted by the commission pursuant to section 483A.1.

1 Sec. 3. Section 483A.3, subsection 1, paragraph c, Code
2 2017, is amended by striking the paragraph.

3 Sec. 4. Section 483A.3, subsection 1, paragraphs d and e,
4 Code 2017, are amended to read as follows:

5 d. All wildlife habitat fees shall be administered in
6 the same manner as hunting and fur harvester licenses except
7 all revenue derived from wildlife habitat fees shall be used
8 within the state of Iowa for habitat development and shall be
9 deposited in the state fish and game protection fund, except
10 as provided in [subsection 2](#). The revenue may be used for
11 the matching of federal funds. The revenues and any matched
12 federal funds shall be used for acquisition of land, leasing of
13 land, or obtaining of easements from willing sellers for use
14 as wildlife habitats. Notwithstanding the exemption provided
15 by [section 427.1](#), any land acquired with the revenues and
16 matched federal funds shall be subject to the full consolidated
17 levy of property taxes, which shall be paid from ~~those~~ the
18 income generated from those lands or, if no such income is
19 generated, from the wildlife habitat fee revenues. In addition
20 the revenue may be used for the development and enhancement of
21 wildlife lands and habitat areas.

22 e. ~~Not less than fifty percent of all revenue~~ three dollars
23 from each wildlife habitat fees fee shall be allocated as
24 specified in section 483A.3B and not less than fifty percent
25 of the balance of each fee shall be used by the commission
26 to enter into agreements with county conservation boards or
27 other public agencies in order to carry out the purposes of
28 this section. ~~The~~ However, the state share of funding of those
29 agreements provided by the revenue from wildlife habitat fees
30 shall not exceed seventy-five percent.

31 Sec. 5. Section 483A.3, subsections 3 and 4, Code 2017, are
32 amended to read as follows:

33 3. Notwithstanding [subsections 1 and 2](#), any increase in
34 wildlife habitat fee revenues ~~received~~ collected on or after
35 ~~July 1, 2007~~ December 15, 2017, pursuant to [this section](#) as

1 a result of wildlife habitat fee increases ~~pursuant to 2007~~
 2 ~~Iowa Acts, ch. 194~~ established by rules adopted pursuant to
 3 section 483A.1, shall be used by the commission ~~only for~~
 4 ~~the purpose of the game bird habitat development program as~~
 5 ~~provided for any of the purposes set forth in this section or~~
 6 in section 483A.3B, except that such increases in revenues
 7 collected shall not be used by the commission for the purpose
 8 of land acquisition. The commission shall not reduce on an
 9 annual basis for these purposes the amount of other funds being
 10 expended as of ~~July 1, 2007~~ December 15, 2017.

11 4. A ~~three-year~~ multi-year hunting license purchased
 12 pursuant to section 483A.1, subsection 1, paragraph ~~"j"~~
 13 483A.9A, includes the payment of a wildlife habitat fee for
 14 each of the ~~three~~ years for which the license is valid and
 15 those fees shall be used as provided in this section.

16 Sec. 6. Section 483A.3A, Code 2017, is amended to read as
 17 follows:

18 **483A.3A Fish habitat development funding.**

19 Three dollars from each resident and nonresident annual and
 20 seven-day fishing license and nine dollars from each resident
 21 ~~three-year~~ multi-year fishing license sold shall be deposited
 22 in the state fish and game protection fund and shall be used
 23 within this state for fish habitat development. Not less than
 24 fifty percent of this amount shall be used by the commission to
 25 enter into agreements with county conservation boards to carry
 26 out the purposes of this section.

27 Sec. 7. Section 483A.3B, subsection 1, Code 2017, is amended
 28 to read as follows:

29 1. *Allocation of revenue — accounts.* All revenue collected
 30 from ~~increases in~~ wildlife habitat fees as provided in section
 31 483A.3, subsection 3 1, paragraph ~~"e"~~, that is deposited in
 32 the state fish and game protection fund and that is allocated
 33 pursuant to this section shall be allocated as follows:

34 a. ~~Two~~ Not less than two dollars of each wildlife habitat
 35 fee collected shall be allocated to the game bird wetlands

1 conservation account.

2 **b.** ~~One~~ Not less than one dollar of each wildlife habitat
3 fee collected shall be allocated to the game bird buffer strip
4 assistance account.

5 **c.** Notwithstanding section 12C.7, subsection 2, interest or
6 earnings on moneys collected from wildlife habitat fees that
7 are deposited in each account created under this section shall
8 be credited to that account. Notwithstanding section 8.33 or
9 section 456A.17, moneys credited to each account created under
10 this section shall not revert to the state general fund at the
11 close of a fiscal year.

12 **d.** All revenue ~~generated by increases in the~~ collected
13 from wildlife habitat fee fees as provided in section 483A.3,
14 subsection 3 1, paragraph "e", that is allocated pursuant to
15 this section shall be used as provided in this section, except
16 for that part which is specified by the department for use in
17 paying administrative expenses as provided in section 456A.17.

18 **Sec. 8. NEW SECTION. 483A.6B Nonresident five-day hunting**
19 **license — fee.**

20 1. A nonresident may be issued a five-day hunting license
21 that costs an amount as set by rules adopted pursuant to
22 section 483A.1, including the wildlife habitat fee. A
23 nonresident hunting with a license issued under this section
24 shall be otherwise qualified to hunt in this state.

25 2. This section is repealed on December 15, 2020.

26 **Sec. 9.** Section 483A.17, Code 2017, is amended to read as
27 follows:

28 **483A.17 Tenure of license.**

29 Every license, except as otherwise provided in this
30 chapter, is valid from the date issued to January 10 of the
31 succeeding calendar year for which it is issued. A license
32 shall not be issued prior to December 15 for the subsequent
33 calendar year except for a ~~three-year~~ multi-year fishing
34 license or a ~~three-year~~ multi-year hunting license issued to a
35 resident pursuant to rules adopted pursuant to section 483A.17

1 ~~subsection 1.~~

2 Sec. 10. Section 483A.24, subsection 2, paragraphs b and c,
3 Code 2017, are amended to read as follows:

4 b. Upon written application on forms furnished by the
5 department, the department shall issue annually without fee one
6 wild turkey license to the owner of a farm unit or to a member
7 of the owner's family, but not to both, and to the tenant or
8 to a member of the tenant's family, but not to both. The wild
9 turkey hunting ~~license~~ licenses issued shall be valid only on
10 the farm unit for which an applicant qualifies pursuant to this
11 subsection and shall be equivalent to the least restrictive
12 license issued under [section 481A.38](#). The owner or the tenant
13 need not reside on the farm unit to qualify for a free license
14 to hunt on that farm unit. The free turkey hunting licenses
15 issued pursuant to this paragraph shall be valid and may be
16 used during any bow or firearm turkey hunting season.

17 c. Upon written application on forms furnished by the
18 department, the department shall issue annually without fee two
19 deer hunting licenses, one antlered or any sex deer hunting
20 license and one antlerless deer only deer hunting license, to
21 the owner of a farm unit or a member of the owner's family,
22 but only a total of two licenses for both, and to the tenant
23 of a farm unit or a member of the tenant's family, but only
24 a total of two licenses for both. The deer hunting licenses
25 issued shall be valid only for use on the farm unit for which
26 the applicant applies pursuant to this paragraph. The owner or
27 the tenant need not reside on the farm unit to qualify for the
28 free deer hunting licenses to hunt on that farm unit. The free
29 deer hunting licenses issued pursuant to this paragraph shall
30 be valid and may be used during any ~~shotgun~~ bow or firearm
31 deer hunting season. The licenses may be used to harvest deer
32 in two different seasons. In addition, a person who receives
33 a free deer hunting license pursuant to this paragraph shall
34 pay a one dollar fee for each license that shall be used
35 and is appropriated for the purpose of deer herd population

1 management, including assisting with the cost of processing
2 deer donated to the help us stop hunger program administered
3 by the commission.

4 DIVISION II

5 COORDINATING PROVISIONS

6 Sec. 11. Section 331.605, subsection 1, paragraph b,
7 subparagraph (1), Code 2017, is amended to read as follows:

8 (1) The fees specified in rules adopted pursuant to section
9 483A.1.

10 Sec. 12. Section 331.605, subsection 1, paragraph c, Code
11 2017, is amended to read as follows:

12 c. A state migratory game bird fee as provided in rules
13 adopted pursuant to [section 483A.1](#).

14 Sec. 13. Section 481A.93, subsection 2, paragraph b,
15 subparagraph (2), Code 2017, is amended to read as follows:

16 (2) The totally blind person is accompanied and aided
17 by a person who is at least eighteen years of age and whose
18 vision is not seriously impaired. The accompanying person must
19 purchase a hunting license that includes the wildlife habitat
20 fee as provided in rules adopted pursuant to [section 483A.1](#)
21 if applicable. If the accompanying person is not required
22 to have a hunting license the person is not required to pay
23 the wildlife habitat fee. During the hunt, the accompanying
24 adult must be within arm's reach of the totally blind person,
25 and must be able to identify the target and the location of
26 the laser sight beam on the target. A person other than the
27 totally blind person shall not shoot the laser sight-equipped
28 gun or bow.

29 Sec. 14. Section 483A.1A, subsection 10, paragraph c, Code
30 2017, is amended to read as follows:

31 c. Is a student who qualifies as a resident pursuant to
32 paragraph "b" only for the purpose of purchasing any resident
33 license specified in rules adopted pursuant to [section 483A.1](#).

34 Sec. 15. Section 483A.7, subsection 3, paragraph b, Code
35 2017, is amended to read as follows:

1 *b.* The commission shall assign one preference point to a
 2 nonresident whose application for a nonresident wild turkey
 3 hunting license is denied due to limitations on the number
 4 of nonresident wild turkey hunting licenses available for
 5 issuance that year. An additional preference point shall be
 6 assigned to that person each subsequent year the person's
 7 license application is denied for that reason. A nonresident
 8 may purchase additional preference points pursuant to rules
 9 adopted pursuant to section 483A.1, subsection 2, paragraph
 10 "j". The first nonresident wild turkey hunting license drawing
 11 each year shall be made from the pool of applicants with the
 12 most preference points and continue to pools of applicants
 13 with successively fewer preference points until all available
 14 nonresident wild turkey hunting licenses have been issued. If
 15 a nonresident applicant receives a wild turkey hunting license,
 16 all of the applicant's assigned preference points at that time
 17 shall be removed.

18 Sec. 16. Section 483A.8, subsection 3, paragraphs a, b, and
 19 e, Code 2017, are amended to read as follows:

20 *a.* A nonresident hunting deer is required to purchase
 21 a nonresident annual hunting license that includes the
 22 wildlife habitat fee and a nonresident deer hunting license.
 23 In addition, a nonresident who purchases a deer hunting
 24 license shall pay a one dollar fee that shall be used and
 25 is appropriated for the purpose of deer herd population
 26 management, including assisting with the cost of processing
 27 deer donated to the help us stop hunger program administered
 28 by the commission.

29 *b.* A nonresident who purchases an antlered or any sex deer
 30 hunting license pursuant to rules adopted pursuant to section
 31 483A.1, subsection 2, paragraph "i", is required to purchase
 32 an antlerless deer only deer hunting license at the same
 33 time, pursuant to rules adopted pursuant to section 483A.1,
 34 subsection 2, paragraph "k".

35 *e.* The commission shall assign one preference point to a

1 nonresident whose application for a nonresident antlered or any
 2 sex deer hunting license is denied due to limitations on the
 3 number of nonresident antlered or any sex deer hunting licenses
 4 available for issuance that year. An additional preference
 5 point shall be assigned to that person each subsequent year
 6 the person's license application is denied for that reason. A
 7 nonresident may purchase additional preference points pursuant
 8 to rules adopted pursuant to section 483A.1, subsection 2,
 9 ~~paragraph "j"~~. The first nonresident antlered or any sex deer
 10 hunting license drawing each year shall be made from the pool
 11 of applicants with the most preference points and continue
 12 to pools of applicants with successively fewer preference
 13 points until all available nonresident antlered or any sex deer
 14 hunting licenses have been issued. If a nonresident applicant
 15 receives an antlered or any sex deer hunting license, all of
 16 the applicant's assigned preference points at that time shall
 17 be removed.

18 Sec. 17. Section 483A.8, subsections 4 and 6, Code 2017, are
 19 amended to read as follows:

20 4. The commission may provide, by rule, for the issuance of
 21 an additional antlerless deer hunting license to a person who
 22 has been issued an antlerless deer hunting license. The rules
 23 shall specify the number of additional antlerless deer hunting
 24 licenses which may be issued, and the season and zone in which
 25 the license is valid. The fee for an additional antlerless
 26 deer hunting license shall be ~~ten dollars~~ an amount established
 27 by rules adopted pursuant to section 483A.1 for residents.

28 6. The commission shall provide by rule for the annual
 29 issuance to a nonresident of a nonresident antlerless deer
 30 hunting license that is valid for use only during the period
 31 beginning on December 24 and ending at sunset on January 2 of
 32 the following year and costs ~~seventy-five dollars~~ an amount
 33 established by rules adopted pursuant to section 483A.1. A
 34 nonresident hunting deer with a license issued under this
 35 subsection shall be otherwise qualified to hunt deer in this

1 state and shall purchase a nonresident annual hunting license
2 that includes the wildlife habitat fee, and pay the one dollar
3 fee for the purpose of deer herd population management as
4 provided in subsection 3. Pursuant to this subsection, the
5 commission shall make available for issuance only the remaining
6 nonresident antlerless deer hunting licenses allocated under
7 subsection 3 that have not yet been issued for the current
8 year's nonresident antlerless deer hunting seasons.

9 Sec. 18. Section 483A.9A, subsection 3, Code 2017, is
10 amended to read as follows:

11 3. The commission shall offer to residents a combination
12 package of an annual fishing license and an annual hunting
13 license, as provided in rules adopted pursuant to section
14 483A.1, ~~subsection 1,~~ the cost of which includes the wildlife
15 habitat fee.

16 Sec. 19. Section 483A.24, subsection 2, paragraph d, Code
17 2017, is amended to read as follows:

18 d. In addition to the free deer hunting licenses received
19 pursuant to paragraph "c", an owner of a farm unit or a
20 member of the owner's family and the tenant or a member of the
21 tenant's family may purchase a deer hunting license for any
22 option offered to paying deer hunting licensees. An owner of a
23 farm unit or a member of the owner's family and the tenant or a
24 member of the tenant's family may also purchase two additional
25 antlerless deer hunting licenses which are valid only on the
26 farm unit for a fee ~~of ten dollars each~~ established by rules
27 adopted pursuant to section 483A.1.

28 Sec. 20. Section 483A.24, subsection 3, paragraph a, Code
29 2017, is amended to read as follows:

30 a. Fifty of the nonresident deer hunting licenses shall be
31 allocated as requested by a majority of a committee consisting
32 of the majority leader of the senate, speaker of the house
33 of representatives, and director of the economic development
34 authority, or their designees. The licenses provided pursuant
35 to this subsection shall be in addition to the number of

1 nonresident licenses authorized pursuant to [section 483A.8](#).
2 The purpose of the special nonresident licenses is to allow
3 state officials and local development groups to promote the
4 state and its natural resources to nonresident guests and
5 dignitaries. Photographs, videotapes, or any other form
6 of media resulting from the hunting visitation shall not
7 be used for political campaign purposes. The nonresident
8 licenses shall be issued without application upon purchase of a
9 nonresident annual hunting license that includes the wildlife
10 habitat fee and the purchase of a nonresident deer hunting
11 license. The licenses are valid in all zones open to deer
12 hunting. The hunter education certificate requirement pursuant
13 to [section 483A.27](#) is waived for a nonresident issued a license
14 pursuant to [this subsection](#).

15 Sec. 21. Section 483A.24, subsection 4, paragraph a, Code
16 2017, is amended to read as follows:

17 a. Fifty of the nonresident wild turkey hunting licenses
18 shall be allocated as requested by a majority of a committee
19 consisting of the majority leader of the senate, speaker of
20 the house of representatives, and director of the economic
21 development authority, or their designees. The licenses
22 provided pursuant to [this subsection](#) shall be in addition
23 to the number of nonresident licenses authorized pursuant
24 to [section 483A.7](#). The purpose of the special nonresident
25 licenses is to allow state officials and local development
26 groups to promote the state and its natural resources to
27 nonresident guests and dignitaries. Photographs, videotapes,
28 or any other form of media resulting from the hunting
29 visitation shall not be used for political campaign purposes.
30 The nonresident licenses shall be issued without application
31 upon purchase of a nonresident annual hunting license that
32 includes the wildlife habitat fee and the purchase of a
33 nonresident wild turkey hunting license. The licenses are
34 valid in all zones open to wild turkey hunting. The hunter
35 education certificate requirement pursuant to [section 483A.27](#)

1 is waived for a nonresident issued a license pursuant to this
2 subsection.

3 Sec. 22. Section 483A.24, subsection 16, Code 2017, is
4 amended to read as follows:

5 16. Upon payment of the fee ~~of five dollars~~ established by
6 rules adopted pursuant to section 483A.1 for a lifetime fishing
7 license or lifetime hunting and fishing combined license, the
8 department shall issue a lifetime fishing license or lifetime
9 hunting and fishing combined license to a resident of Iowa
10 who has served in the armed forces of the United States on
11 federal active duty and who was disabled or was a prisoner of
12 war during that veteran's military service. The department
13 shall prepare an application to be used by a person requesting
14 a lifetime fishing license or lifetime hunting and fishing
15 combined license under [this subsection](#). The department of
16 veterans affairs shall assist the department in verifying the
17 status or claims of applicants under [this subsection](#). As used
18 in [this subsection](#), "disabled" means entitled to a service
19 connected rating under 38 U.S.C. ch. 11.

20 Sec. 23. Section 483A.28, subsection 4, Code 2017, is
21 amended to read as follows:

22 4. Any person who is issued a valid fishing license pursuant
23 to [this chapter](#) may fish with a third line as provided in
24 section 481A.72 only upon the annual purchase of a third line
25 fishing permit as provided in rules adopted pursuant to section
26 483A.1.

27 Sec. 24. Section 717F.7, subsection 3, Code 2017, is amended
28 to read as follows:

29 3. A person who keeps falcons, if the person has been issued
30 a falconry license by the department of natural resources
31 pursuant to rules adopted pursuant to [section 483A.1](#).

32 Sec. 25. Section 805.8B, subsection 3, paragraph o,
33 unnumbered paragraph 1, Code 2017, is amended to read as
34 follows:

35 For violations of rules adopted pursuant to [section 483A.1](#)

1 relating to licenses and permits, the scheduled fines are as
2 follows:

3 DIVISION III

4 TRANSITION PROVISIONS AND EFFECTIVE DATES

5 Sec. 26. RULEMAKING. The natural resource commission shall
6 submit a notice of intended action to the administrative rules
7 coordinator and the administrative code editor pursuant to
8 section 17A.4, subsection 1, not later than July 14, 2017, for
9 the adoption of rules establishing fees pursuant to section
10 483A.1, subsection 1, as enacted by this Act. Such rules shall
11 be effective December 15, 2017.

12 Sec. 27. EFFECTIVE DATES — TRANSITION.

13 1. Divisions I and II of this Act take effect December 15,
14 2017. A license issued or in effect prior to December 15,
15 2017, is subject to the provisions of Code 2017. This Act does
16 not affect the validity of a license issued prior to December
17 15, 2017.

18 2. This division of this Act, being deemed of immediate
19 importance, takes effect upon enactment.